



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

December 11, 2007

CBCA 901-RELO

In the Matter of BRUCE BRYANT

Bruce Bryant, Manassas, VA, Claimant.

A.V. Easter, Director, Indianapolis Transportation Payments Office, Defense Finance and Accounting Service, Department of Defense, Indianapolis, IN, appearing for Department of Defense.

STERN, Board Judge.

In June 2006, Bruce Bryant received travel orders from the Department of Defense (DOD) for a change of station from Royal Oak, Michigan, to Arlington, Virginia. Mr. Bryant decided to ship his goods on a Government Bill of Lading (GBL). Mr. Bryant claims that a transportation officer at Selfridge Air Force Base, who arranged for his move, informed him that he could ship 18,000 pounds "net" and that he would be allowed to move 18,000 pounds of household goods at government expense, plus an extra ten percent as a weight allowance for packing materials, for a total of 19,800 pounds. Mr. Bryant understood that he would only be responsible for charges attributable to any weight in excess of this amount. Mr. Bryant states that he attempted to keep the weight of his goods at or below 18,000 pounds by moving much of his goods at his expense. The total weight of Mr. Bryant's household goods was 18,620 pounds, including all packing materials. According to Mr. Bryant, these materials included boxes, crates, and pallets.

The DOD assessed Mr. Bryant \$664.55, representing the cost of moving Mr. Bryant's household goods in excess of 18,000 pounds. Mr. Bryant argues that this sum was improperly assessed since he is entitled to ship 18,000 pounds net, *i.e.*, that he should not have to pay the cost of moving the packing materials. Mr. Bryant claims that he should not have to pay the \$664.55 because he relied upon the advice of the DOD official who told him that the Government would pay for these costs. Mr. Bryant offers no evidence that the packing materials accounted for all of the weight in excess of 18,000 pounds.

Discussion

Statute and regulations authorize an agency to pay “the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking household goods and personal effects not in excess of 18,000 pounds net weight” when an employee is transferred from one duty station to another in the interest of the Government. 5 U.S.C. § 5724 (2000); *see* Joint Travel Regulations (JTR) C5154-B. An employee must pay for all costs associated with a shipment in excess of 18,000 pounds. Since this weight allowance is mandated by statute, the Board has no authority to waive it. *Steven P. Shafran*, CBCA 656-RELO, 07-2 BCA ¶ 33,603.

Here, Mr. Bryant claims that he should not be responsible for the excess costs being assessed since he should not have to pay for any of the costs of shipping the packing materials used in his move. Yet, claimant has offered no evidence regarding the amount or weight of those materials. This alone requires denial of Mr. Bryant’s claim. In any event, as discussed below, the weight associated with packing materials is to be included in the 18,000-pound limitation.

The JTR, which apply to civilian employees of the Department of Defense, provide that the net weight of an uncrated shipment of household goods, like Mr. Bryant’s, is the net weight shown on the bill of lading and includes “the weight of barrels, boxes, cartons, and similar packing materials.” JTR C5170-B.

Consistent with this regulation, we have repeatedly held that for purposes of computing the weight of household goods in such a move, the weight of all packing materials is to be included in the weight of the shipment and is considered part of the 18,000-pound net weight limitation. *Charles E. Pixley*, GSBCA 16484-RELO, 05-1 BCA ¶ 32,887; *Wendy J. Hawkins*, GSBCA 16324-RELO, 04-2 BCA ¶ 32,686; *Robert J. Land*, GSBCA 15367-RELO, 01-2 BCA ¶ 31,455.

The regulations permit an adjustment to the weight if the shipment is crated. JTR C5170-B. However, this provision addresses moves where the entire shipment is crated, not only a few items. *Wendy J. Hawkins*; *Douglas V. Smith*, GSBCA 14655-RELO, 99-1 BCA ¶ 30,171 (1998).

Mr. Bryant claims that he should not have to pay the excess costs of shipment since he had been advised by the DOD transportation officer that he was authorized to ship up to 19,800 pounds of household goods, including packing materials. This advice was incorrect. While we do not condone such actions, erroneous advice by government employees forms no basis for us to grant relief to the claimant. It is well-established that the Government is not bound by the erroneous advice of its officials. Only the expenses that are authorized by statute and regulations may be reimbursed. *Flordeliza Velasco-Walden*, CBCA 740-RELO, 07-2 BCA ¶ 33,634, and cases cited therein. Mr. Bryant is responsible for the payment of the \$664.55 for the costs attributable to his move in excess of 18,000 pounds.

The claim is denied.

JAMES L. STERN
Board Judge